

REMARKS/ARGUMENTS

As a result of this Amendment, claims 1, 2, and 4-5 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

- (1) rejected claims 1, 2, and 4-6 under 35 U.S.C. §112, second paragraph;
- (2) rejected claims 1, 2, 4 and 5, under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claims 1-2 and 4-6 of prior U.S. Patent No. 6,675,887; and
- (3) identified prior art made of record and not relied upon but considered pertinent to Applicant's disclosure.

With regard to Item 1, Applicants have amended claim 1 so as to more particularly point out and distinctly claim the subject matter of the invention. In particular, Applicant has amended claim 1 so as to make it clear that the reservoir is external to, and communicates with, the first heat pipe so as to variably permit access of the working fluid to the condenser of the first heat pipe. Applicant respectfully submits that this definition of the invention reads upon at least figure 1 (the elected species). Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, and 4-5 under 35 U.S.C. §112, second paragraph are requested.

With regard to Item 2, claims 1, 2, and 4-6 do not claim the same invention as defined by any of the claims issued in Applicant's co-owned U.S. Patent No.: 6,675,887. Reconsideration of this rejection is requested in light of the amendments to claim 1. More particularly, claim 1, as amended, defines a heat pipe assembly including a first heat pipe having a condenser and a working fluid and a second heat pipe having an evaporator that is in thermal contact with the first heat pipe. Advantageously, an

external reservoir is arranged in communication with the first heat pipe and contains a non-condensable gas which variably permits access of the working fluid to the condenser of the first heat pipe, depending on a pressure of the working fluid. This structure is presented in at least figure 1 of the application as filed. This structure is different and distinct from the structure claimed in U.S. Patent No.: 6,675,887, and meets all of the requirements set out by 35 U.S.C. §101.

Accordingly, the rejection under 35 U.S.C. § 101 should be withdrawn.

With regard to Item 3, Applicants have considered the prior art references identified by the Examiner as pertinent and determined that none of them, taken alone, or in any valid combination anticipates or renders obvious the present invention.

Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully submitted,

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